

**R e m a r k s**

Applicant respectfully reminds the Examiner that the present application was granted a special, expedited examination status.

The Examiner cited, as a prior art reference in the Office Action, the Weinberger patent (U.S. Patent No. 6,499,027) issued from an application filed on May 26, 1998, which, however, is after the effective filing date of the present application which, at least, is as early as August 1, 1997 (the filing date of the parent application). This being so, Weinberger cannot be prior art with respect to the present application under 35 U.S.C. 102. Thus, it is respectfully requested that Weinberger be removed from the record as a prior art reference.

As a reminder, the Examiner also incorrectly cited the DiLorenzo patent (U.S. Patent No. 6,438,450) as prior art in the previous Office Action, which was addressed in the last Amendment. Again, it is respectfully requested that DiLorenzo be removed from the record as a prior art reference if the Examiner has not done so.

The Examiner required submission, from certain parties, of information under 37 C.F.R. 1.105. In response, other than the information already submitted by applicant to the Patent Office, the information required to be submitted is unknown and/or is not readily available to the parties from which it was requested.

The Examiner rejected claims 21-29, 31-39 and 41-58 under 35 U.S.C. 103(a) as being allegedly obvious over Lee in view of Logan. In response, claims 21, 31, 41 and 50 have been amended.

The invention is directed to a technique for accessing entertainment programs (e.g., radio programs) from different sources (e.g., radio stations) in a vehicle. The entertainment programs are classified in categories, e.g., country, rock and classical music, based on their content. In accordance with the invention, indicators representing the different sources are associated with such program categories. For a given category, a collection of the indicators associated with the category are displayed, thereby facilitating

selection of a source represented by an indicator in the collection to receive an entertainment program classified in the given category. *See* page 43, line 30 et seq. of the specification, Fig. 18.

Lee discloses an audio system which uses a visual display screen (14 in Fig. 1) for manually setting programs to record preselected broadcasts such as latest traffic information, weather forecasts, financial reports, sports, and news in advance. A user of the Lee system may set up to eight recording programs, indicated by program numbers (denoted 15) on the display screen 14. For each recording program, the user sets a program recording time, e.g., 07:08 AM (denoted 22 on screen 14); channel frequency preselected by the user, e.g., 950 KHz (denoted 18 on screen 14); recording length, e.g., 3 minutes (denoted 25 on screen 14); recording cycle time, e.g., repeating recording every ten minutes (denoted 26 on screen 14); and recording cycle value, e.g., repeating 6 times in total (denoted 27 on screen 14). *See* column 3, line 38 et. seq. of Lee. In addition, the user may categorize the recording programs to record broadcasts of different categories such as financial reports, sports, and news (denoted 30 on screen 14). To that end, the user may push a program-category input button, e.g., traffic/weather button 31, \$ button 32, sports button 33 or news button 34, in setting each program. Once programmed, the Lee system performs the recording of the preselected radio broadcasts regardless of whether the system is on or off. *See* column 5, line 22 et seq. of Lee.

At the outset, Lee does not even apply to the claimed invention as the Lee system is directed to use of a visual display screen to facilitate recording audio broadcasts at channel frequencies preselected by the user, where the audio broadcasts are manually categorized by the user into different program categories. On the other hand, for example, the claimed invention, represented by amended claims 31 and 50, comprises receiving "signals" containing entertainment programs provided by different sources, the entertainment programs being classified in different categories "indicated in the signals" based on contents of the entertainment programs. In addition, the claimed invention,

represented by claims 21 and 41, comprises use of a display to provide thereon “indicators” which represent “sources” of entertainment programs, e.g., radio stations, and which are associated with categories of the entertainment programs provided by the sources, “thereby facilitating selection of a source represented by an indicator ... to receive an entertainment program classified in a given category,” as claims 21 and 41 recite. In the Office Action, the Examiner did correctly determine that Lee fails to teach such claim limitations. However, the Examiner incorrectly stated that such claim limitations were taught by Logan.

Logan discloses a technique for using an audio program player or a playback unit to reproduce audio program segments received from a server through the Internet. As an initial matter, nowhere does Logan or Lee teach or suggest an incorporation of the Logan technique into the Lee system as postulated by the Examiner. Moreover, an “object” of the Logan technique is:

to provide easy access to rich selection of audio programming  
and to allow the listener to dynamically and interactively locate  
and select desired programming from the available collection in  
an easy and intuitive way without the need of a visual display screen ....

Column 1, line 64 - col. 2, line 2 of Logan (emphasis added). However, as discussed above the Lee system significantly relies on use of a visual display screen (14) to facilitate setting programs to record preselected broadcasts, which belies the object of the Logan technique to avoid “the need of a visual display screen.” As such, it would not have been obvious to one of ordinary skill in the art to incorporate the Logan technique into the Lee system as postulated by the Examiner. In fact, in view of the stated object of the Logan technique, one of ordinary skill in the art would have been dissuaded from consideration of Logan in combination with Lee. This being so, the Examiner’s obviousness rejection should be withdrawn.

In addition, because of its stated object to avoid “the need of a visual display screen,” the Logan technique teaches away from the claimed invention which calls for,

among others, presenting on “a display” a given category of entertainment program, together with a collection of one or more indicators associated with the given category which represent sources of entertainment programs, as claims 21 and 41 recite. Similarly, claims 31 and 50 recite, among others, providing on “a display” a selected category, together with at least one option associated with a source which provides an entertainment program classified in the selected category, the option being selectable to receive the entertainment program from the source associated therewith. As such, claims 21, 31, 41 and 50, together with their dependent claims, are unobvious over Lee in view of Logan.

Further, according to the Logan technique, without use of a visual display screen,

the player subsystem includes a control mechanism responsive to commands received from a listener to dynamically alter the sequence and content of the programming material actually presented. More specifically, the player may advantageously incorporate means for skipping the remaining content of any program being played at any time, or returning to the beginning of a particular subject to replay its content. Each given program segment is preferably preceded by a topic description segment, and the program skipping mechanism [in] the player is preferably adapted to automatically skip to the next topic description, bypassing the intervening program content, whenever a skip command is receive[d] when a topic description is being played. Similarly, related topics (program segments) are sequentially grouped together by subject category ... In this way, the listener can rapidly skim through subject categories [being audio-played to the listener], one at a time, until a desired subject is reached, and then allow the player to play topic descriptions one at a time until a desired topic (program segment) is reached.

Column 2, line 55 et seq. of Logan (emphasis added). Such a serial audio presentation of the subject categories, one at a time, followed by another serial audio presentation of topic descriptions (or program segments), one at a time, in Logan belies the claimed invention which requires presenting, on a display, a given category “together with” a collection of one or more indicators associated with the given category, as amended

claims 21 and 41 now recite; or providing, on a display, a selected category “together with” at least one option associated with a source which provides an entertainment program classified in the selected category, as amended claims 31 and 50 now recite. For this additional reason, claims 21, 31, 41 and 50, together with their dependent claims, are patentable over Lee in view of Logan.

In the Office Action, the Examiner alleged that the disclosure at cols. 9-10, lines 1-67 of Logan met certain claim limitations. Applicant has carefully reviewed such disclosure, and respectfully submits that nowhere does it (or anywhere else in Logan for that matter) teach or suggest, among others, presenting, on a “display,” “a given category, together with a collection of one or more indicators associated with the given category ...,” as amended claims 21 and 41 recite; or providing, on a “display,” “a selected category, together with at least one option associated with a source which provides an entertainment program classified in the selected category ...,” as amended claims 31 and 50 recite. The Logan disclosure cited by the Examiner, at best, describes allowing a subscriber to select programming which should be included in the next programming download onto the audio program player. To facilitate this selection process, additional programming which fits the subscriber’s indicated subject matter preferences, along with additional programming which the server includes as being of particular interest, is identified in a catalog, and presented to the subscriber “in the form of a proposed program schedule” together with a catalog of additional selections which may be substituted or inserted into the proposed schedule. Col. 9, line 31 et seq. of Logan. Such a program schedule in Logan, like a typical radio or TV program guide, presents the additional programming in chronological order (i.e., ordered by time). By contrast, again, the claimed invention requires presenting, on a “display,” “a given category, together with a collection of one or more indicators associated with the given category ...,” as amended claims 21 and 41 recite; or providing, on a “display,” “a selected category, together with at least one option associated with a source which provides an entertainment program

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classified in the selected category ...,” as amended claims 31 and 50 recite.

In view of the foregoing, each of claims 21-29, 31-39 and 41-58, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

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